

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IN2004/000142

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer-readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43b/s.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-23
	No: Claims	24-25
Inventive step (IS)	Yes: Claims	1-23
	No: Claims	24-25
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

D1: P.H. Fairclough et al. Carbohydrate Res. 40 (1975) 285-298

D2: US4380476

Novelty

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 24 and 25 is not new in the sense of Article 33(2) PCT.

The documents D1 and D2 disclose the synthesis and isolation of sucralose, thus claims 24 and 25 lack novelty since a product by process must be new and inventive. A product is not rendered novel merely by the fact that it is produced by a new process.

Inventive step

The present claims 1-23 meet the criteria of Article 33(1) PCT in the sense of Article 33(3) PCT.

The document D1 is regarded as being the closest prior art to the subject-matter of claims 1-23, and discloses the synthesis and isolation of sucralose

The subject-matter of claims 1-23 differs from this known subject matter in that a drying step or super critical extraction step as in claim 1 is included. Furthermore, a deacetylation of intermediates of chlorinated sucrose is performed before as well as after said drying step.

The problem to be solved by the present invention may therefore be regarded as the provision of further processes for the synthesis and isolation of sucralose.

The solution proposed in claims 1-23 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons.

It is not obvious for the skilled person to include a drying step as in claim 1 and to perform

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a deacetylation before as well as after said drying step. In D1 there is no incentive to do so.